

## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF ARIZONA

3 United States of America, )  
4 Plaintiff, ) 4:23-cr-00908-SHR-LCK  
5 vs. )  
6 Eric Ridenour, ) Tucson, Arizona  
7 Defendant. ) June 15, 2023  
8 ) 3:08 p.m.

9 TRANSCRIPT OF PROCEEDINGS  
10 DETENTION HEARING REGARDING DANGEROUSNESS

11 BEFORE THE HONORABLE LYNNETTE C. KIMMINS  
12 UNITED STATES MAGISTRATE JUDGE

## 12 APPEARANCES:

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I N D E XGOVERNMENT WITNESSPAGEALEXANDER TISCH

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## P R O C E E D I N G S

(Call to order of court, 3:08 p.m.)

CLERK: And calling case 23-MJ-1853, United States versus Eric Ridenour, on for a detention hearing.

Counsel, please state your appearances for the record.

MR. ROSSI: Good afternoon, Your Honor. Adam Rossi and Rui Wang for the United States. Also present with us is Special Agent Alex Tisch.

THE COURT: Thank you, Mr. Rossi.

MS. ARCE: Good afternoon, Your Honor. Nancy Arce and Matei Tarail for Mr. Eric Ridenour who's present seated between us.

THE COURT: Thank you, Ms. Arce.

And good afternoon, Mr. Ridenour.

THE DEFENDANT: Good afternoon, Your Honor.

THE COURT: Mr. Ridenour, my name is Lynnette Kimmins. I'm a magistrate judge. I'll be conducting your hearing. If at any time you do not understand something, you have a question for me or your attorneys, please let me know. And if you need to speak with your attorneys privately, just let me know and we'll give you an opportunity to do that, all right?

THE DEFENDANT: Okay.

THE COURT: This is the time set for Mr. Ridenour's detention/dangerousness hearing. Are the parties ready to proceed?

1 MR. ROSSI: Yes, Your Honor.

2 MS. ARCE: Yes, Your Honor.

3 THE COURT: And, Mr. Rossi, I have a copy of the  
4 witness list and also exhibit list. Any additions or  
5 corrections to those lists?

6 MR. ROSSI: No, Your Honor.

7 THE COURT: And is the government -- or is the defense  
8 anticipating any witnesses at this time?

9 MS. ARCE: No, Your Honor.

10 THE COURT: Okay. And, Mr. Rossi, my understanding is  
11 with respect to the victims of this case, that they have been  
12 notified of this hearing; is that correct?

13 MR. ROSSI: That is correct, Your Honor. The court  
14 kindly provided a call-in number for one of the pastors. I  
15 believe she's on the line. She'll only be listening to the  
16 hearing, she does not wish to address the court.  
17 Representatives from the Episcopalian church are here, Your  
18 Honor, and two of them would like to address the court at the  
19 appropriate time.

20 THE COURT: Okay. Thank you, Mr. Rossi. What I would  
21 anticipate doing is we'll go forward with evidence regarding  
22 the hearing. Once the evidence is presented, then I'll go  
23 ahead and allow the victims to make statements.

24 In addition, for purposes of the record, I have had an  
25 opportunity to review the government's motion which is document

1 12 on the docket. I also received from defense letters from  
2 Diane Dalton, Julio Romero, Jr., and C. James Quinn, and I've  
3 had an opportunity to review those as well.

4 At this time, Mr. Rossi, if you'd like to call your first  
5 witness.

6 MR. ROSSI: Thank you, Your Honor. At this time the  
7 government would call Special Agent Alex Tisch of ATF.

8 THE COURT: And, Agent Tisch, if you'd come forward to  
9 be sworn in.

10 ALEXANDER TISCH, GOVERNMENT WITNESS, WAS SWORN.

11 CLERK: Thank you, sir. You may be seated and, as you  
12 are, please speak directly into the microphone and state your  
13 name for the record, please, spelling your last name.

14 THE WITNESS: My name is Alexander Tisch, T-i-s-c-h.

15 THE COURT: And whenever you're ready, Mr. Rossi.

16 MR. ROSSI: Thank you, Your Honor.

17 As a preliminary matter, Your Honor, we'd ask that you take  
18 judicial notice of the complaint filed in this case, it's  
19 document number one. Since it's already been accepted by the  
20 court and signed by a magistrate judge, maybe you can just take  
21 judicial notice of it and then we'd like you to admit it for  
22 the purposes of this hearing.

23 THE COURT: And any objection, Ms. Arce?

24 MS. ARCE: No, Your Honor.

25 THE COURT: And the complaint, document one, will be

1 admitted.

2 MR. ROSSI: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. ROSSI:

5 Q. Special Agent Tisch, could you just give us a brief  
6 background about who you are, who you work for, please?

7 A. I'm a special agent with ATF. I've been working for them  
8 for the last eight years. Before that I worked for the Pima  
9 County Sheriff's Department for almost 12 years as a deputy and  
10 a detective.

11 Q. And do you have information relating to an investigation  
12 that involves Eric Ridenour that occurred on or about May 22nd,  
13 2023, in Douglas, Arizona, here in the District of Arizona?

14 A. Yes.

15 Q. And can you give us a little background about Douglas,  
16 Arizona?

17 A. Douglas is a border town in southeastern Arizona. Its  
18 sister city across the border is Agua Prieta. In this church  
19 or, excuse me, in this town there's a small block that has four  
20 different denominational churches in one square block which is  
21 the only place in the world that has that. It has a Methodist  
22 church, a Baptist church, an Episcopalian church, and a  
23 Presbyterian church in one square block.

24 Q. And is -- are these churches historical -- historically  
25 significant buildings?

1 A. Yes, they're all very old.

2 Q. Over 100 years, would you say?

3 A. Give or take, yeah.

4 Q. And on May 22nd, 2023, was there -- well, how did law  
5 enforcement become involved in this case?

6 A. Reports of a fire were made to the fire department in  
7 Douglas as well as the police department which caused a  
8 response. Initially, the Episcopalian church was thought to be  
9 the only fire that was occurring. Firefighting efforts  
10 occurred at that structure. During the extinguishing of that  
11 building, they noticed that the Presbyterian church behind them  
12 was also on fire across a small alleyway. Firefighting efforts  
13 continued into the night to extinguish both buildings.

14 Q. Can you give us a brief description on the damage that was  
15 caused to the buildings?

16 A. The Episcopalian church is nearly destroyed completely.  
17 The roof is completely collapsed. The Presbyterian church is a  
18 little, slightly different construction, it's much taller, but  
19 it also has extensive damage, it's unusable. Both structures  
20 are uninhabitable. And it's unknown if they can be repaired  
21 due to their age.

22 Q. And would it be fair to say that both these churches were  
23 involved in, for lack of a better term, interstate commerce?

24 A. Yes, both structures affect interstate commerce with  
25 members of those denominational churches.

1 Q. And during the course of -- well, once the fires were put  
2 out, did investigators enter the building?

3 A. Yes, fire investigators and fire department personnel  
4 entered the scene.

5 Q. And did they find any items of interest?

6 A. Yes, they did. A lighter was found as well as some lighter  
7 fluid was found.

8 Q. And was that in the Presbyterian church?

9 A. Yes.

10 Q. And did an ATF canine respond to the scene?

11 A. Yes, one of our canines who is trained to alert to the  
12 presence of accelerant fluid responded and searched the scene.

13 Q. And did the canine alert to the presence of accelerants?

14 A. The canine did alert to both churches. Both fire locations  
15 accelerant was present.

16 Q. Was follow-up investigation done, including seeking  
17 security footage from a nearby day-care?

18 A. Yes.

19 Q. Before we go into that footage, can you describe something  
20 about the, a little bit about where the day-care's located and  
21 its relationship to the two churches?

22 A. Yes. So in this square block, the Episcopalian church, if  
23 you're looking at it from overhead, if you can imagine the  
24 Episcopalian church being in the upper right corner, the  
25 Presbyterian being in the lower right corner of that block, and



1 a Baptist church on the lower left corner, and the Methodist  
2 church in upper left -- excuse me, yeah, upper left corner.  
3 Attached to the Methodist church is an active and operating  
4 day-care. The exterior of this day-care has security footage  
5 cameras that point to the alleyway of both buildings that were  
6 burned, the Episcopalian church and the Presbyterian church.

7 Q. Were agents able to review footage from that day?

8 A. Yes, we were.

9 Q. And what were they able to see around the time that the  
10 fires began?

11 A. Just before the fires started, a blue Pontiac Aztek drove  
12 into the alleyway. A male exited from that vehicle, walked  
13 around for a short time in the alleyway, and then walked over  
14 to the Episcopal church out of view of this camera. Several  
15 minutes later, the male walked back towards the vehicle he  
16 arrived in, he again walked down to the alleyway towards the  
17 Presbyterian church, sort of looks both directions, and then  
18 walks over to the Presbyterian church out of view of the  
19 surveillance cameras. Several more minutes go by. The same  
20 male exits through the front of the church, which is out to a  
21 street, walks down the sidewalk, jumps the fence, and then runs  
22 back to the Pontiac Aztek parked in the alleyway, and the  
23 vehicle departs the same direction that it arrived.

24 While the vehicle was departing, you can already see smoke  
25 coming from the Episcopalian church where the driver of that

1 vehicle just was.

2 Q. And were agents able to determine if there were any Pontiac  
3 Azteks that were registered in the Douglas area?

4 A. Yes. We queried some state, local, and federal databases  
5 and determined there was only one registered Pontiac Aztek in  
6 the Douglas area.

7 Q. And who was that registered to?

8 A. To the defendant sitting to your right.

9 Q. And by indicating that, do you recognize Mr. Ridenour here  
10 in the courtroom today?

11 A. Yes, I do.

12 MR. ROSSI: Your Honor, we would ask that the record  
13 reflect identification of the defendant.

14 THE COURT: The record will so reflect.

15 BY MR. ROSSI:

16 Q. And did Mr. Ridenour match the description of the person  
17 that's in the video setting -- or entering the churches right  
18 before the fire started?

19 A. Yes, he did.

20 Q. Did investigators also go to a Walmart retail store in the  
21 Douglas area?

22 A. Yes, sir, we did.

23 Q. And did they speak to a loss prevention officer?

24 A. Yes, we did.

25 Q. And did the loss prevention officer offer that he -- his

1 neighbor drove a Pontiac Aztek?

2 A. Yes, he identified the vehicle as belonging to his  
3 neighbor.

4 Q. And was that neighbor Mr. Ridenour?

5 A. It is Mr. Ridenour, yes.

6 Q. And were agents able to view surveillance footage from the  
7 Walmart on that day?

8 A. From before the fire occurred, yes, we were.

9 Q. And what did you see?

10 A. We saw Mr. Ridenour in the Walmart wearing clothing  
11 matching the person who was driving the Pontiac Aztek and seen  
12 walking between the two churches and then running back to the  
13 vehicle.

14 Q. And based on that, did the Douglas Police Department obtain  
15 a search warrant for Mr. Ridenour's residence?

16 A. Yes, they did.

17 Q. And did other agents assist in that effort?

18 A. Yes, we did.

19 Q. And what was found in Mr. Ridenour's home?

20 A. The same clothing matching what he was wearing in the  
21 Walmart store before and the clothing matching the suspect with  
22 the Pontiac Aztek going between the churches was found in a  
23 hamper, the pants specifically.

24 Q. And was he also wearing the same shoes that he was seen  
25 wearing entering the Walmart and the person who was going in

1 between the two churches before the fire started?

2 A. Yes. Mr. Ridenour was wearing them when he was detained by  
3 Douglas Police Department.

4 Q. Did they also find a hat, a ball cap, in the Pontiac Aztek  
5 that also matched Mr. Ridenour was wearing when he entered the  
6 Walmart and the person who was going in between the two  
7 churches prior to the start of the fires?

8 A. Yes, sir, we did.

9 Q. During the execution of initial search warrant and a  
10 subsequent follow-up warrant, did agents find a letter written  
11 by the defendant?

12 A. Yes, we did.

13 Q. And did the letter refer to the defendant and his wife  
14 attending a church in Bisbee, Arizona?

15 A. Yes.

16 Q. And did the defendant author the letter?

17 A. Yes.

18 Q. And did he describe in the letter how he believed, quote,  
19 culture, unquote, was creeping into the church?

20 A. Yes, he did.

21 Q. And according to the letter, the defendant, in his own  
22 words, did he speak to the pastor of the church in Bisbee about  
23 his belief and, as a result, he and his wife were asked to  
24 leave and find another place to worship?

25 A. That's what the letter said, yes.

1 Q. And on June 2nd, did agents locate and interview the pastor  
2 of the Calvary Church in Bisbee where the defendant and his  
3 wife had previously worshipped?

4 A. Yes, I spoke with him.

5 Q. And did the pastor of the church describe to you what had  
6 occurred with Mr. Ridenour?

7 A. Yes, he did.

8 Q. Could you describe that to the court, please?

9 A. He said he asked him to go to lunch. Mr. Ridenour had  
10 expressed that he didn't believe that the church should be  
11 allowing women to have a role in being pastors or presenting in  
12 front of the church or doing readings. The pastor of Calvary  
13 Church told me this is something that they do, women are  
14 allowed to lead prayers and readings. He said that  
15 Mr. Ridenour didn't like that and told him he wouldn't be  
16 coming back and, after lunch, he and his wife never came back  
17 to the church.

18 Q. Did agents also speak to one of Mr. Ridenour's neighbors  
19 who was also a parishioner from that same church in Bisbee?

20 A. Yes, I did.

21 Q. And did that witness state that the defendant was unhappy  
22 with the church's views towards worship as the defendant  
23 believed that women should not be preaching or leading in  
24 prayer?

25 A. Correct.

1 Q. And did another neighbor, different neighbor, were they  
2 interviewed by agents and that neighbor said the defendant had  
3 started his own church after that as he was unhappy with the  
4 local churches and that the defendant, quote, didn't like gays,  
5 didn't like politicians, and didn't like women in general  
6 leading the church, end quote?

7 A. That's correct.

8 Q. And did the same neighbor also state that the defendant  
9 believed the bible prohibited women and gay people from  
10 preaching?

11 A. Correct.

12 Q. Did you have a chance to speak with Pastor Collins from the  
13 Episcopal church?

14 A. Yes, I did.

15 Q. And did he describe to you an event in 2021 where he ran  
16 into an individual matching the description of the defendant  
17 and another person who he identified as the defendant's wife?

18 A. Yes, he did.

19 Q. Can you tell the court about that interaction?

20 A. Yes. The pastor told us that -- I believe it was  
21 November 14th, 2021. He recalled the date specifically because  
22 the interaction was bizarre to him. He said that people  
23 typically come to the church and ask questions about it and the  
24 belief system and how they operate.

25 He said a white male matching Mr. Ridenour's description

1 and a female who identified herself as Elizabeth,  
2 Mr. Ridenour's wife, were there asking questions. He asked  
3 specifically about homosexuals in the church, whether or not  
4 they were allowed or welcome or allowed to be pastors. The  
5 pastor identified himself as a homosexual. Mr. Ridenour,  
6 according to the pastor, told him he was a sinner and he could  
7 repent for his sin of being homosexual. He told him: You  
8 can't really ask questions like that of our parishioners if you  
9 choose to come here.

10 The contact basically ended at that point. Mr. Ridenour  
11 took photographs of the church or the exterior/interior of the  
12 church, which is a normal thing I guess for folks to do who  
13 visit this historic site, and they departed.

14 Q. Did the person who matched the description of the defendant  
15 with the person who was identified as his wife also ask  
16 about -- questions regarding participation in politics and  
17 religion by women as well?

18 A. Yes. And I should clarify when I spoke earlier. The  
19 pastor never identified Mr. Ridenour as the person but the  
20 woman that he was with, he did identify her via photograph,  
21 which was Elizabeth Ridenour.

22 Q. And the pastor of the First Presbyterian Church, the other  
23 church that was burned down, is that pastor a woman?

24 A. Yes.

25 Q. And is Pastor Collins the pastor for the Episcopal church?

1 A. Yes.

2 Q. And did agents have a chance to speak with other pastors of  
3 the other two churches about generally their practice and  
4 worship?

5 A. Yes.

6 Q. And would it be safe to say, generally speaking, that those  
7 two churches are more conservative in their approach?

8 A. Yes. They don't have the same type values and they're more  
9 conservative in nature.

10 Q. And would it also be fair to say that, in speaking to  
11 agents, the pastors were also concerned for the safety of their  
12 parishioners and expressed remorse for what happened to these  
13 two other churches?

14 A. Yes.

15 Q. And I'm sorry if you already said this but the person who  
16 was with, who was with Ridenour -- who matched the description  
17 of the defendant, did he also say specifically that he would  
18 not attend church with a gay pastor?

19 A. Yes, he did.

20 Q. During the course of the investigation, did agents have a  
21 chance to go over Mr. Ridenour's previous police contacts?

22 A. Yes, I have.

23 Q. And did that involve a misdemeanor criminal damage  
24 conviction involving a domestic violence incident with an  
25 ex-girlfriend?



1 A. One of them did, yes.

2 Q. And in that instance, did it appear that the defendant  
3 kicked the woman's door down during a domestic dispute and I  
4 guess it happened after the two were separated or something of  
5 that nature?

6 A. The way the police report read was that the woman involved  
7 in that case and Mr. Ridenour were involved in some sort of  
8 romantic relationship that had gone awry. She had heard a  
9 knock on her door and then noticed that her door had been  
10 kicked open by Mr. Ridenour and he came in and gathered his  
11 belongings and a firearm and departed and told her she could  
12 keep his generator to pay for the damages to the door.

13 Q. Did Mr. Ridenour also have police contacts for other  
14 incidents, including violating a protective order during which  
15 he poured sugar into the gas tank of another ex-girlfriend?

16 A. Two days before that incident of the door being kicked  
17 open, another woman made a report that she observed.  
18 Mr. Ridenour pouring sugar into her gas tank out of her car  
19 outside of her work. She told the officer that she had a  
20 protective order against him at one point.

21 Q. And yet another incident, did Mr. Ridenour, was he accused  
22 of and contacted by police for threatening to beat up an  
23 ex-wife's fiance during a dispute about the defendant's refusal  
24 to abide by a child custody agreement?

25 A. I don't believe they contacted him that day but his ex-wife

1 called the police when Mr. Ridenour had showed up to take  
2 unannounced custody of their child apparently. This caused an  
3 argument as Mr. Ridenour had a new romantic interest with him  
4 and the ex-wife also had a fiance. There was a yelling match.  
5 Mr. Ridenour, according to the victim, threatened to inflict  
6 violence upon him but he departed before police arrived and I  
7 don't believe they found him.

8 Q. I want to go back a little bit. Would it be fair to say  
9 this is an ongoing investigation?

10 A. Mine, yes, the others, no.

11 Q. Sorry. Specifically to this case. Would it also be fair  
12 to say that you're just answering the questions that I've asked  
13 today and not saying everything that you know about this case  
14 thus far?

15 A. That's correct.

16 Q. I did want to ask, was there -- did you have an opportunity  
17 or did agents have an opportunity, excuse me, to interview  
18 potential other witnesses in this matter?

19 A. Yes, there was another interview done recently.

20 Q. And was that done with an inmate who was on work detail  
21 that was across the street during the time that the fires were  
22 set?

23 A. Yes.

24 Q. And what did that person have to say?

25 A. That person told investigators that they witnessed

1 Mr. Ridenour walking inside the Presbyterian church carrying a  
2 bag that was weighted. After a short time he emerged from the  
3 church without the bag and began running back towards the  
4 alleyway.

5 Q. Did this person say that that was the last time he saw  
6 Mr. Ridenour?

7 A. No. In fact, he said he was driving a distinct vehicle, a  
8 blue Pontiac Aztek, and he was parked on the street out near  
9 the churches and he was watching as firemen arrived. But  
10 before the hoses could get unrolled, he was back in his car and  
11 left.

12 Q. And this was after he had run back to his vehicle or run  
13 out of sight of this person and then he saw him later with the  
14 vehicle; is that right?

15 A. Correct. He ran back to his vehicle, as we saw on the  
16 surveillance footage, which matches what the witness said, and  
17 then he said later, I don't know exactly how much later, he was  
18 out present on the street observing the fire.

19 Q. I also wanted to go back a little bit to the day-care. At  
20 the time that the fires were set, this was around 10:40 in the  
21 morning; is that right?

22 A. Correct.

23 Q. And it was, I believe, a Tuesday; is that right?

24 A. Yes.

25 Q. And --

1 A. Actually, I think it was a Monday. It was the 22nd.

2 Q. 22nd. On that date, was the day-care open and operating?

3 A. Yes.

4 Q. So there were children there?

5 A. And staff, yes.

6 Q. And with regard to both of the churches, have they agreed  
7 to accept migrants in anticipation of the lapse of Title 42?

8 A. Yes. There had been arrangements made where cots were  
9 being delivered and Porta-Potties and hand washing stations to  
10 potentially take these folks in as they would have nowhere to  
11 go once that expired.

12 Q. And specifically to the Presbyterian church, were there  
13 cots set up in an adjacent building to the church that also  
14 suffered fire damage?

15 A. Yes.

16 Q. And at the time, were any of those cots occupied?

17 A. No, no one was present.

18 Q. And also going back in your description of where the  
19 day-care was, if someone potentially had set fire to the  
20 Methodist church, would that also have meant that they would be  
21 setting fire to the day-care?

22 A. They're connected so it's highly likely that both would  
23 have caught fire, yes.

24 Q. And during your investigation, was it also learned that  
25 when firefighters and Douglas PD first arrived at the scene,

1 they learned that there was a homeless individual that was  
2 allowed to stay on the, I believe it was the Episcopal church  
3 presence -- or the Episcopal church grounds?

4 A. Property? Yes. Behind the church, in the same alleyway  
5 access, there was a van that belongs to the church. They  
6 allowed a homeless person to stay in the van and live in this  
7 van. And, from my understanding, he was present when the fires  
8 were set and was evacuated and told to leave by the firemen  
9 when they arrived.

10 MR. ROSSI: If I could have a moment, Your Honor.

11 THE COURT: Sure.

12 BY MR. ROSSI:

13 Q. Just a couple more questions, Special Agent Tisch. I  
14 neglected to ask, the church square, what kind of an area is  
15 that around the church square?

16 A. One side is a park, the other three sides are a mix of  
17 residences and businesses, some businesses that are, you know,  
18 in older homes.

19 Q. Is there also apartment complexes close by?

20 A. Yes. On the side of the, you know, we imagine that  
21 overhead map. The right side where the two victim churches  
22 were, there is an apartment complex right across the street  
23 from those two.

24 Q. Is there a historical society where visitors go to as well  
25 across the street from the churches?

1 A. Correct. Next to the apartment complex is another like  
2 state or city building.

3 Q. And I also neglected to ask, does St. Stephen's have an  
4 attached house or apartment building to their church?

5 A. Yes. The main hall of the church at the very back, which  
6 is the side closest to the Presbyterian church, has a structure  
7 made for like a living quarters behind the church.

8 Q. And at different times is that structure occupied by  
9 people?

10 A. That's my understanding today. On the date of the fire it  
11 was not occupied, though.

12 Q. And did that building suffer fire damage?

13 A. Yes, it's also a loss.

14 MR. ROSSI: No further questions, Your Honor.

15 THE COURT: Thank you, Mr. Rossi.

16 Ms. Arce, cross-examination?

17 MS. ARCE: Yes. Just before, Judge, I move for any  
18 disclosure pursuant to Rule 26.2 that has not already been  
19 made.

20 THE COURT: And, Mr. Rossi, is there any additional  
21 disclosure regarding statements or anything else that has been  
22 presented at this time?

23 MR. ROSSI: I believe there's going to be an  
24 outstanding report about the new witness that was interviewed  
25 but that has not been prepared yet, to my knowledge. Also, we

1 are attempting to get the surveillance video. I believe we may  
2 have gotten that today but we're not certain that it -- there  
3 was a problem with the player and so we're going to  
4 double-check and make sure that we have that. As soon as we  
5 have the correct player for the videos, we'll disclose that to  
6 the defense. But everything else, including all the ATF  
7 reports that we have so far, have been disclosed to the  
8 defense.

9 THE COURT: Okay.

10 MS. ARCE: Your Honor, in light of that, I'm moving to  
11 strike the witness's testimony about the interview with the  
12 inmate since that statement has not been provided to the  
13 defense.

14 THE COURT: And, Mr. Rossi, what's your position with  
15 that?

16 MR. ROSSI: Well, Your Honor, the -- first of all, the  
17 agent is simply relaying what was told to him by a witness.  
18 That's not anything that's required to be disclosed under this  
19 proceeding.

20 I would also note that the interview happened very recently  
21 and it also was conducted by another agency and so, while we  
22 will be getting that, I don't believe it's been prepared yet  
23 and so it does not exist. So I think that, despite the fact  
24 that it is not memorialized, it is still information that is  
25 available to the agent and he is passing that along to the

1 court for the specific purpose of this hearing, which we  
2 believe is appropriate.

3 THE COURT: And has Agent Tisch prepared a report  
4 regarding the statement from the inmate?

5 MR. ROSSI: No, Your Honor, he was not present, I  
6 don't believe.

7 THE COURT: He was not present at the interview, is  
8 that what you said?

9 MR. ROSSI: That is correct, Your Honor.

10 THE COURT: Ms. Arce, anything further?

11 MS. ARCE: Yes, Your Honor. I think that the rule can  
12 encompass if it was audio recorded, video recorded, or if  
13 there's any notes, Your Honor. So if there's no police report,  
14 I think that there's still some kind of record of that out  
15 there that the government should be producing to us.  
16 Otherwise, if they don't have that, then this shouldn't have  
17 been brought up at this hearing.

18 THE COURT: And I do believe pursuant to Federal Rule  
19 Criminal Procedure 26.2(a) that Ms. Arce is correct, that after  
20 a government's witness has testified and upon motion from the  
21 defendant, the government must produce any statement of the  
22 witness that's in their possession, and because Agent Tisch has  
23 brought forth statements regarding the inmate but the  
24 government does not have any disclosure with respect to that  
25 and it appears Agent Tisch was not involved in that interview,



1 I am going to strike that testimony for purposes of this  
2 hearing.

3 Anything further, Ms. Arce?

4 MS. ARCE: No, Your Honor.

5 THE COURT: Okay. Would you like to go forward with  
6 cross-examination?

7 MS. ARCE: Yes.

8 THE COURT: Okay. And, Ms. Arce, we need to have you  
9 speak louder so that we can pick it up on the tape.

10 MS. ARCE: Yes, Your Honor.

11 THE COURT: Okay.

12 MS. ARCE: I'll move the mike closer.

13 CROSS-EXAMINATION

14 BY MS. ARCE:

15 Q. Good afternoon, agent.

16 A. Good afternoon.

17 Q. Can you tell us more about the cots that were being set up?  
18 Did I hear you testify that they're not in the church building  
19 itself?

20 A. I never got to see them. From what I was told by the  
21 police chief was that they were in an annex building adjacent  
22 to the main Presbyterian church, the section that burned, it  
23 was adjacent.

24 Q. And what do you mean by "adjacent"?

25 A. There's a six, maybe six-foot wide sidewalk between the

1 two.

2 Q. And are there any commercial businesses within the two  
3 churches we're talking about, St. Stephen's Episcopal Church  
4 and the First Presbyterian Church?

5 A. Commercial businesses within them?

6 Q. Yes.

7 A. Not that I'm aware of, no.

8 Q. You testified about a surveillance video from a day-care.  
9 Does that surveillance video show anyone igniting or setting  
10 fire to the churches?

11 A. No. Those fires were set inside and this video camera  
12 films the alleyway between the two churches.

13 Q. And you testified that a man believed to be Mr. Ridenour  
14 was in the video carrying a plastic bag?

15 A. Correct.

16 Q. And you have no indications of what was inside that plastic  
17 bag, taking into account the testimony that was just struck?

18 A. No, I don't know what was in the bag, no.

19 Q. Okay. Additionally, there are no eyewitnesses reporting  
20 having seen anyone set fire to the churches?

21 A. No.

22 Q. And am I correct that there were no physical injuries as a  
23 result of these fires?

24 A. None that have been reported, no.

25 Q. And the home that was attached to St. Stephen's Episcopal

1 Church was uninhabited?

2 A. Correct.

3 Q. And Mr. Ridenour did not make any inculpatory statements in  
4 this case?

5 A. No.

6 Q. He never admitted to setting any fires?

7 A. Correct.

8 Q. And upon arrest, Mr. Ridenour was not violent towards law  
9 enforcement?

10 A. No.

11 Q. You discussed a bottle of lighter fluid located at the  
12 scene. Has there been investigation done in terms of  
13 determining the ownership of that?

14 A. Yes.

15 Q. And there's no evidence that ties Mr. Ridenour to that  
16 bottle of lighter fluid?

17 A. No.

18 Q. And you testified Mr. Ridenour was at Walmart that morning,  
19 and am I correct that he did not purchase any lighter fluid  
20 that morning from Walmart?

21 A. Walmart told us they do not sell that brand of lighter  
22 fluid at that store.

23 Q. Okay.

24 A. Or that -- I should say not that brand but that specific  
25 bottle.

1 Q. You also testified as to lighters being found at the scene.

2 A. I know of one which was like a barbecue-style lighter with  
3 a, you know, long black metal end.

4 Q. And there's no evidence currently that Mr. Ridenour owned  
5 or purchased that lighter?

6 A. No, there's no evidence right now.

7 Q. I believe you testified after speaking with one of  
8 Mr. Ridenour's neighbors that Mr. Ridenour built a church on  
9 his property?

10 A. Yes, there's a church on his property.

11 Q. How big is it?

12 A. My guess would be maybe 25 feet long by about 10 or 15 feet  
13 wide.

14 Q. So it's nowhere near as large as the two churches involved  
15 in this case?

16 A. Correct.

17 Q. Also, the church that you testified to in Bisbee, that's  
18 the Calvary Church?

19 A. Yes.

20 Q. And that's the church in which Mr. Ridenour spoke with the  
21 pastor and then no longer attended that church?

22 A. The discussion didn't happen at the church but that is the  
23 church that he was speaking of in the letter, yes.

24 Q. And the letter, was that letter dated?

25 A. I don't recall.

1 Q. So you don't know if it was written a month ago or three  
2 years ago?

3 A. I just don't recall if it had a date on it.

4 Q. And the church in Bisbee, that church still stands?

5 A. Correct.

6 Q. You're not aware of any recent reports of damage to the  
7 church?

8 A. No. That church, from what the pastor told me, was in the  
9 basement of a business along like the old section of Bisbee and  
10 I don't believe it's been set fire to.

11 Q. You also testified as to, I don't know if it was you or  
12 other agents speaking with Reverend Caleb Collins, correct?

13 A. I spoke with him directly, yes.

14 Q. Okay. And the conversation that he recalled with a man who  
15 he believes resembles Mr. Ridenour was in November of 2021?

16 A. I think it was November 14th, if I recall correctly.

17 Q. Of 2021?

18 A. I believe so.

19 Q. You testified that Mr. Ridenour was taking photos of the  
20 church and that that's normal?

21 A. That's what the pastor told me, yes.

22 Q. What else did he say about that?

23 A. Nothing.

24 Q. And isn't it true that the pastor invited Mr. Ridenour in  
25 to take photos of the stained glass?

1 A. That sounds right, yes.

2 Q. And Reverend Collins never reported that the man he  
3 encountered made any threats?

4 A. Like of physical violence to him?

5 Q. Yes.

6 A. No, he didn't tell me that he made any threats towards him.

7 Q. Or threats of damaging any church?

8 A. No.

9 Q. You also testified as to some conversations with some of  
10 Mr. Ridenour's neighbors. Isn't it true that at least one of  
11 them commented that they were all surprised by his arrest?

12 A. I believe so, yes.

13 Q. And that's despite them knowing his religious beliefs?

14 A. Them being surprised is despite that?

15 Q. Yes.

16 A. I don't -- I don't know why they're surprised. That's just  
17 a statement that they made.

18 Q. But they made that statement knowing his religious beliefs?

19 A. I'd have to assume that they do, and I can't do that.

20 Q. Well --

21 MR. ROSSI: Your Honor, at this point, I think the  
22 questions are asking the special agent to speculate.

23 THE COURT: Sustained.

24 MS. ARCE: Your Honor, may I clarify?

25 THE COURT: You can clarify as to statements that the

1 neighbors specifically made to Agent Tisch or someone in law  
2 enforcement.

3 MS. ARCE: Okay.

4 BY MS. ARCE:

5 Q. So -- and you can tell me which neighbor it was or I'm not  
6 sure if you're trying to keep that information private but one  
7 of the neighbors told you the quote that Mr. Rossi stated about  
8 Mr. Ridenour allegedly having problems with homosexuals, women,  
9 and politicians in churches?

10 A. One of the neighbors did say that to one of the other  
11 investigators; I was not present for that.

12 Q. And do you know if it was that same neighbor that said that  
13 everyone was surprised about his arrest?

14 A. Unfortunately, I'm not -- I'm not versed on which neighbor  
15 said what at this point, unfortunately.

16 Q. And none of the neighbors had any firsthand knowledge about  
17 the fires?

18 A. Not that we know, no.

19 Q. Going back briefly to the letter that we discussed with the  
20 date that you don't recall, do you know if that letter was ever  
21 sent?

22 A. I'm not sure. We saw what was likely the original so I'm  
23 not sure if it was ever sent via copy or anything, no.

24 Q. Were there any plans for violence against any person  
25 mentioned in that letter?

1 A. No.

2 Q. Were there any plans for damage to any property mentioned?

3 A. No.

4 Q. Was there any mention of any illegal activity at all?

5 A. No.

6 Q. You testified as to a search warrant and isn't it true that  
7 Mr. Ridenour's phone was seized?

8 A. Correct.

9 Q. And his computer as well?

10 A. Yes.

11 Q. And Mrs. Ridenour's phone?

12 A. Yes.

13 Q. I want to go now, move on to the prior incidents that you  
14 spoke to Mr. Rossi about, starting with the allegations or case  
15 involving sugar in a gas tank. Those allegations are from  
16 March of 1997, correct?

17 A. Yes.

18 Q. And the documents you've reviewed don't contain court  
19 documents?

20 A. No. It was a Phoenix Police Department case report what I  
21 reviewed for that incident.

22 Q. And that police report doesn't contain any admissions from  
23 Mr. Ridenour?

24 A. No, just the victim's allegation.

25 Q. And the damage noted or estimated was \$200?



1 A. I don't recall that the gas tank had a damage amount. I  
2 think the broken door was \$200, but I don't recall the gas tank  
3 police report saying a value.

4 Q. Just a second. If I can direct you to the Government's  
5 Exhibit 4. You have a binder up there with you?

6 A. I don't have anything.

7 MS. ARCE: Your Honor, may I approach the witness?

8 THE COURT: Yes.

9 BY MS. ARCE:

10 Q. And, again, if I could direct your attention to the  
11 Government's Exhibit 4. Let me know once you've had a chance  
12 to review it.

13 A. I've reviewed it.

14 Q. In reviewing that document, does it refresh your  
15 recollection at all about any damage noted for the gas tank?

16 A. I don't recall it but I see it now here that it says \$200.

17 Q. Okay. Thank you.

18 So no person was injured in that incident?

19 A. No.

20 Q. And no person was threatened with injury?

21 A. No.

22 Q. And March of 1997, that was over 26 years ago?

23 A. Yes.

24 Q. Moving on to the door incident, that also occurred over  
25 26 years ago?

1 A. Yes. It was reported two days after the gas tank incident,  
2 March 8th, I think.

3 Q. And the report indicates that Mr. Ridenour had been living  
4 in that residence for the past three months?

5 A. Yes.

6 Q. And, as you testified, he took his belongings and then  
7 left?

8 A. That's what the report says, yes.

9 Q. And I think we covered this earlier. The damage to the  
10 door was \$200?

11 A. That's what the victim said, yes.

12 Q. Are there also court documents that you've reviewed  
13 pertaining to that case?

14 A. Yes.

15 Q. And isn't it true Mr. Ridenour was placed on probation for  
16 24 months?

17 A. Yes.

18 Q. And you're not aware or you haven't reviewed anything  
19 showing any probation violations?

20 A. No.

21 Q. And in those documents, the victim never stated that  
22 Mr. Ridenour physically harmed her?

23 A. No.

24 Q. I want to discuss now the incident involving Mr. Ridenour's  
25 ex-wife. That is from 1998, correct?

1 A. Yes. I think it was actually a year to the day after the  
2 door kicking report.

3 Q. And it involved a dispute over child visitation?

4 A. Correct.

5 Q. And there was no active protection -- order of protection  
6 at that time between Mr. Ridenour and his wife?

7 A. No, not that I was provided.

8 Q. And the allegations were verbal in nature?

9 A. Yes.

10 Q. No -- there's no physical harm to anyone?

11 A. Not that I read in the report, no.

12 Q. And there were no weapons involved?

13 A. Not in the report, no.

14 Q. And no property was damaged?

15 A. No.

16 Q. And isn't it true that the reports indicate at one point  
17 that Mr. Ridenour was going to contact the police?

18 A. Yes, I think so.

19 Q. And that case also involved Mr. Ridenour's ex-wife's then  
20 boyfriend?

21 A. Correct.

22 Q. And, agent, based on your experience with the sheriff,  
23 generally in law enforcement, you would agree that people lie  
24 sometimes in child custody or visitation disputes?

25 A. Yes, that's my experience.

1 Q. And you agree that ex-spouses may have animosity towards  
2 one another?

3 A. Of course.

4 Q. And the court documents that you reviewed indicate that  
5 Mr. Ridenour took the case to trial?

6 A. Yes.

7 Q. And he was found not guilty?

8 A. That's my understanding, yes.

9 Q. And, agent, since 1998, has Mr. Ridenour, from what you've  
10 researched, been convicted of a crime?

11 A. No.

12 Q. Apart from the instant offense, has he been charged with a  
13 crime?

14 A. Not that I'm aware of, no.

15 Q. Has he been arrested for any crime?

16 A. No.

17 Q. Did you find any indications of warrants for failing to  
18 appear?

19 A. Nothing that I know, no.

20 MS. ARCE: Your Honor, may I have a moment?

21 THE COURT: Yes.

22 MS. ARCE: That's all I have. Thank you, agent.

23 THE COURT: Thank you.

24 And redirect, Mr. Rossi?

25 MR. ROSSI: Yes, Your Honor. Thank you.

## 1 REDIRECT EXAMINATION

2 BY MR. ROSSI:

3 Q. Special Agent Tisch, there was a question about whether or  
4 not there was any video showing anyone starting the fire. The  
5 security camera footage from the day-care center, it doesn't go  
6 through buildings, right?

7 A. No, it doesn't, it just films the alleyway.

8 Q. And there's no security camera footage for either of the  
9 churches, is there?

10 A. Neither church had an interior or exterior surveillance  
11 footage, no.

12 Q. But in the video from the day-care, is smoke already  
13 visible by the time Mr. Ridenour gets back to his Aztek SUV?

14 A. Yes. While he's departing, smoke can be seen coming from  
15 the Episcopal church.

16 Q. And according to the video, he went into the Episcopal  
17 church first and then made his way to the Presbyterian church;  
18 is that right?

19 A. Correct.

20 Q. There was a question about the Bisbee church and about how  
21 it hadn't been burned down. Have others, including the pastor  
22 of the Bisbee church, expressed to the victims in this case,  
23 other faith leaders in the community, expressed to the victims  
24 in this case that they're also fearful for their churches and  
25 their congregations based on the actions of the defendant?

1 A. That's what I've heard, yes.

2 Q. There was a question about Pastor Collins inviting the  
3 defendant in. Did Pastor Collins invite the defendant into the  
4 church or the person matching the description of the defendant  
5 into his church through the same door that the defendant  
6 entered on the day that the fires were started?

7 A. That's my understanding, yes.

8 Q. And then did he also, in the conversation with Pastor  
9 Collins, tell him that he needed to repent?

10 A. That's what he told me, yes.

11 Q. And there was also a question about interstate commerce.  
12 Generally speaking, are both these churches members of a larger  
13 church community, including both national and international  
14 organizations? The Episcopal church is a member of the  
15 worldwide Anglican Communion and the Presbyterian church is  
16 part of the National Presbyterian Church, USA; is that right?

17 A. Correct.

18 Q. And do both of them host organizations that are national in  
19 nature, including the Episcopal church regularly hosting AA  
20 meetings and Alcoholics Anonymous is an international  
21 organization?

22 A. Correct.

23 Q. And did they also make preparations, both churches, to  
24 shelter undocumented noncitizens with the expiration of  
25 Title 42?

1 A. That's what the plan was, yes.

2 Q. And while the letter -- there was a question about the  
3 letter that was written by Mr. Ridenour that was found in his  
4 home. Did that letter also complain of culture creeping into  
5 the churches that he had attended?

6 A. Yes, it did.

7 Q. And there was a lot of questions about the prior incidents,  
8 including the sugar in the gas tank and breaking down the door.  
9 Those items are property, are they not?

10 A. Yes, they are.

11 Q. And would it be fair to say he damaged said property after  
12 a dispute with someone he didn't agree with?

13 MS. ARCE: Calls for speculation.

14 THE COURT: I'll sustain it. If there's specific  
15 information in the reports that you want to address --

16 MR. ROSSI: Sure.

17 THE COURT: -- Agent Tisch to, you can do that.

18 MR. ROSSI: I will do that, Your Honor.

19 BY MR. ROSSI:

20 Q. Was Mr. Ridenour involved with a domestic dispute that he  
21 poured sugar into her gas tank and she had or at least  
22 previously had an order of protection out against him?

23 A. She identified herself as a romantic, as the relationship  
24 being romantic in nature and that it was over and there was a  
25 protection order before this incident occurred that she alleged

1 to the police.

2 Q. And for the woman who reported that Mr. Ridenour broke down  
3 her door, did she also claim to have an order of protection and  
4 that they were involved in a romantic relationship and there  
5 was some sort of dispute between them?

6 A. Correct.

7 MR. ROSSI: Thank you, Your Honor. I have no further  
8 questions.

9 THE COURT: Agent Tisch, you may step down.

10 THE WITNESS: Thank you.

11 THE COURT: And, Mr. Rossi, any other witnesses?

12 MR. ROSSI: No, Your Honor. The only thing left for  
13 the government is the statements from the victim  
14 representatives.

15 THE COURT: Okay. If you'd like to discuss with the  
16 victims who's going to make a statement and then the order that  
17 they'd like to do it, we'll have them come to the podium.

18 And I will note for purposes of the record, under the  
19 Crimes Victim Act, 18 USC 3771(a)(2) and (a)(4), the victims do  
20 have a right to be heard at this proceeding.

21 Sir, if you would please state your name and then you're  
22 more than welcome to make a statement.

23 PASTOR COLLINS: Yes. My name is John Caleb Collins.  
24 I am the vicar and priest in charge at St. Stephen's Episcopal  
25 Church in Douglas, Arizona, and St. John's Episcopal Church in



1 Bisbee, Arizona.

2 THE COURT: And, Pastor Collins, feel free to make  
3 your statement.

4 PASTOR COLLINS: Thank you, Your Honor. Our community  
5 has expressed considerable fear that we may be targeted again.  
6 In the aftermath of the actions of the allegations towards the  
7 defendant, we have received increased hate messages online,  
8 including incidents of people glad that fire was set to our  
9 church.

10 I also happen to be the vicar at St. John's Episcopal  
11 Church in Bisbee, which is currently, currently unharmed. And  
12 so we are afraid that if the defendant were allowed to be  
13 released, that we could become targets. And I live in Bisbee  
14 and am deeply concerned for my own safety as well as the safety  
15 of others, Your Honor.

16 THE COURT: Thank you.

17 And if you can also state your name.

18 DR. LODGE: Good afternoon. I'm Dr. Heidi Lodge,  
19 L-o-d-g-e, and I've been a member of St. Stephen's for 16 years  
20 with my husband and I also work in Douglas and Bisbee. I work  
21 at a medical clinic in Douglas and I cover the hospital in  
22 Bisbee.

23 And I have numerous patients of all four churches and also  
24 members of the communities and I would just echo what Father  
25 Collins said is that people are afraid. Parishioners from all

1 three churches have voiced ongoing fear and reluctance to  
2 attend events, reluctance to go to church.

3 This upcoming week is pride week in Bisbee and I've had  
4 patients express extreme fear of going to celebrate pride week.  
5 So there is definite effect on all the communities. And,  
6 again, I just echo that we are afraid for ongoing violence.

7 THE COURT: Thank you.

8 And, Mr. Rossi, any other victims at this time that wish to  
9 make a statement?

10 MR. ROSSI: No, Your Honor. The other victim  
11 representative -- Your Honor, I just learned that the other  
12 pastor would like to make a statement if that's okay with the  
13 court.

14 THE COURT: Okay.

15 MR. ROSSI: She's still on the line.

16 THE COURT: And we'll unmute her. And what's her  
17 name?

18 MR. ROSSI: It's --

19 PASTOR CHRISTIANSEN: Peggy Christiansen.

20 THE COURT: Okay. And, Pastor Christiansen, if you  
21 would like to make a statement, you are welcome to do so at  
22 this time.

23 PASTOR CHRISTIANSEN: So I want to say that, first of  
24 all, we, our church has been working with the City of Douglas  
25 and the Border Patrol and the Customs and the county emergency

1 management services for the past couple of months regarding the  
2 ending of Title 42. It has been publicized that we were going  
3 to be a shelter if it was needed and we did set up cots in the  
4 church and we were on call with the Border Patrol as well as  
5 the customs and everybody in the community knew it.

6 THE COURT: Okay. Anything else?

7 PASTOR CHRISTIANSEN: And also, I would like to echo  
8 that this incident has deeply shaken up the community of  
9 Douglas as well as our colleagues in Bisbee and people are just  
10 really shaken and scared.

11 THE COURT: Thank you.

12 And anything further, Mr. Rossi, from the government?

13 MR. ROSSI: No, Your Honor. Thank you.

14 THE COURT: Ms. Arce, anything from defense?

15 MS. ARCE: Only argument, Your Honor.

16 THE COURT: Okay. Mr. Rossi, I'll let you go forward  
17 first with argument.

18 MR. ROSSI: Thank you, Your Honor.

19 I know the court has read our memorandum and has heard from  
20 the victim representatives so I won't belabor the point but as  
21 the victim representatives pointed out, this has affected all  
22 the churches, the entire community of southeastern Arizona.

23 The nature and circumstances of the offense are extremely  
24 concerning. The fact that these fires were set during the  
25 daytime, during a weekday, in the middle of a historic

1 district, surrounded by residential areas, surrounded by a  
2 place where it's a historical society where people go to get  
3 information about the area, where people visit and frequently  
4 take pictures apparently of the churches because of their  
5 historical significance, and the fact that there was an  
6 operating day-care with staff, children present just across the  
7 alleyway, not to mention the fact that there was a homeless  
8 person that was staying at the Episcopal church, there was  
9 absolutely no knowledge that we can tell from the evidence  
10 presented that the person who set the fires, allegedly the  
11 defendant, had any consideration for who may or may not be in  
12 these buildings.

13 The fire department had to pull the homeless individual  
14 out; he wasn't even aware of it. The cots that Pastor  
15 Christiansen mentioned were already set up and were waiting for  
16 possible Title 42 migrants. And that building sustained fire  
17 damage. So it's only by sheer luck that the defendant didn't  
18 harm anyone in this case.

19 The weight of the evidence against the defendant is strong.  
20 He's caught on video camera, he's identified, he's wearing the  
21 same shoes when he's contacted by police, the clothing was  
22 found, he's driving a very distinct vehicle, he's seen on  
23 camera entering the location, the Episcopal church, the same  
24 door that he was showed in two years earlier, one and a half  
25 years earlier by Pastor Collins. He then goes over to the

1 Presbyterian church and by the time he gets back, there's  
2 already fire that's coming from the Episcopalian church.

3 The other evidence that was presented today about his  
4 interaction with other, with neighbors, with other church  
5 leaders is also of concern, especially in light of which  
6 churches were set on fire. He's openly expressed to other  
7 individuals that he doesn't believe that gay or women should  
8 have any position of leadership in the church, should not be  
9 leading any prayers. He expressed that to a pastor in Bisbee  
10 and was asked to leave the church. That's when he started his  
11 own church and after that is when these fires were set. These  
12 two churches have a gay pastor and a woman pastor and the other  
13 churches are more conservative in their leanings and, while  
14 they have nothing to do with this, it's very noticeable that  
15 these two churches were the ones that were targeted.

16 All of these factors and the history and characteristics of  
17 the defendant weigh against his release. He committed an  
18 exceptionally dangerous crime with, frankly, cold indifference  
19 for human life and property and the, based on the two churches  
20 that were targeted and the defendant's statements to other  
21 witnesses, deeply personal attack on the communities of faith  
22 that are in Douglas and the surrounding areas, it's hard to  
23 overstate the impacts that this crime has had and the  
24 defendant's actions have had on the community in southeastern  
25 Arizona. They're fearful, they are afraid, we heard today,

1 even to attend church services.

2 Although the prior incidents and contacts with law  
3 enforcement occurred years ago, they show a pattern of someone  
4 who causes or threatens harm to others when he encounters  
5 conflict with them and, given the nature of the offense and the  
6 facts of the apparent motivations of the offense, it is clear  
7 that the government has met its burden. The defendant is a  
8 danger to the community and we'd ask that you hold him pending  
9 trial. Thank you.

10 THE COURT: Okay. Thank you, Mr. Rossi.

11 Ms. Arce?

12 MS. ARCE: Thank you, Your Honor.

13 We are all sympathetic here to the victims and to their  
14 loss and really to the loss of the community but I do think  
15 it's important to remember where we are in this case. This  
16 isn't a sentencing hearing, there hasn't been any admission or  
17 finding of guilt. Mr. Ridenour's presumed to be innocent. And  
18 that's something that the Bail Reform Act is clear that does  
19 not change when the court is considering release conditions.  
20 And as the court and the government are aware, the weight of  
21 the evidence is the least important factor for the court to  
22 consider when determining release.

23 That being said, I disagree with the government's position  
24 that the evidence is strong or that it weighs in favor of  
25 detention. I think that the evidence presented here is

1 extremely circumstantial and tenuous. There's no -- there's  
2 been no admission of guilt, no inculpatory statement from  
3 Mr. Ridenour, no eyewitnesses. There's been testimony about a  
4 video which the defense has not seen that video. However,  
5 assuming that the testimony was accurate, it establishes only  
6 mere presence, which is not a crime.

7 There's no forensic evidence tying Mr. Ridenour to the  
8 crimes. There has been investigation into who could have  
9 purchased that bottle of lighter fluid; nothing has come back  
10 to Mr. Ridenour.

11 The agent testified that pursuant to the search warrant,  
12 Mr. Ridenour's phone and computer were seized but we heard no  
13 evidence of any incriminating or inculpatory evidence on those  
14 devices, the phone, the laptop, or on Mrs. Ridenour's phone.

15 Additionally, Your Honor, I think in weighing the or  
16 looking at the weight of the evidence, the court should not  
17 only look at the acts of the fires but also at the evidence or  
18 lack of evidence presented as to whether the churches affected  
19 interstate commerce. I think the evidence here has been, as I  
20 mentioned, tenuous. There's some mention of the churches being  
21 part of certain organizations or having, I'm sorry if I'm  
22 misstating it, having headquarters somewhere else or being  
23 involved. Those, I think, are tenuous, and I think the court  
24 can consider that in the weight.

25 There's a Ninth Circuit case, *United States versus Lamont*.

1 There the court held that setting fire to a church did not fall  
2 within the scope of a federal arson statute since that church  
3 was not used in interstate commerce. The court noted that  
4 ordinarily setting fire to a church does not constitute a  
5 federal offense since churches' primary functions are  
6 essentially noncommercial, noneconomic.

7 In a later case, Ninth Circuit, *United States versus Mahan*  
8 or *Mahan*, the court in speaking about the church in the *Lamont*  
9 case noted that the purported involvement of those churches  
10 with interstate commerce were all passive. And those purported  
11 involvements were the church received gas from Canada, there's  
12 an out-of-state company -- it was insured by an out-of-state  
13 company, it purchased goods from out of state, and it received  
14 funds from out-of-state members and it received and distributed  
15 publications that traveled through interstate. The court noted  
16 that all of those were held to be too tenuous and did not  
17 satisfy the federal statutes. So I think the court can  
18 consider the lack of evidence in determining or in weighing the  
19 evidence against Mr. Ridenour, can look at that element as well  
20 and what has been shown.

21 There was mention of Title 41 and the cots. Seems like  
22 preparations were being made and if any had been made, they  
23 weren't actually in the building that the -- the church  
24 building, it was in an adjacent building. So I think in  
25 looking at the weight of the evidence, I don't think it weighs



1 in favor of detention.

2 As the court's aware, the court also looks at the history  
3 and characteristics of the person in determining release. And  
4 I do think that these factors weigh heavily in favor of  
5 release. Mr. Ridenour has substantial family ties, community  
6 ties, and he's been in the state of Arizona for much of his  
7 life. Pretrial services has been able to verify some of this  
8 information in speaking with his wife. Mr. Ridenour's a US  
9 citizen, he's been married to his wife, Elizabeth, for over  
10 20 years, he's lived and worked in Arizona towns for much of  
11 his life. Specifically in Douglas, he's been there for about  
12 three to four years. He's a homeowner. He and his wife own  
13 their property and have invested money into it over the years.  
14 Prior to Douglas, as I mentioned, he lived in other Arizona  
15 towns. He's worked in Arizona in a school, doing construction,  
16 and electrician work.

17 There are no reports of any mental health issues brought to  
18 the court. That's something the court can consider as well.  
19 There's no indication of any substance abuse. Pretrial  
20 services noted that he drinks wine with dinner from time to  
21 time. That's something he can certainly stop doing if he were  
22 to be released but there's no addictions here, no mental health  
23 concerns that would interfere with any obligations to the court  
24 or with him understanding any potential release conditions.

25 Mr. Ridenour is not on probation or parole for any offense.

1       There are no warrants out for his arrest.

2       There's no documented failures to appear that have been  
3 presented.

4       His criminal history, which I'll touch on a bit later but  
5 just briefly for these purposes, it's de minimis and remote,  
6 dates back to 25 years ago.

7       Mr. Ridenour, as indicated by pretrial services, does not  
8 travel out of the country much. He reported he's gone to  
9 Mexico once about 30 years ago to go eat.

10       He doesn't have access to large sums of money. He can't  
11 just pick up and leave, leave his property behind.

12       He has some health concerns. I don't think those weigh in  
13 favor of detention. He has a doctor in Tucson, Arizona, that  
14 he's been seeing. And his condition has actually deteriorated  
15 while in custody. He gets his medication mailed to his home.

16       I think it's clear, based on all of his ties, that having  
17 been here for most of his life and having so much here, he's  
18 not a flight risk.

19       In turning to both the nature of the offense and nature and  
20 seriousness of the danger or any purported danger to a person  
21 or community, I do want to note briefly something stated in the  
22 government's memo that was submitted. The government cites --  
23 excuse me, the government argues that this offense is a crime  
24 of violence but it's only citing to an unpublished Arizona  
25 district court case, not any binding Ninth Circuit case law.

1 THE COURT: Couldn't it also be a crime of violence  
2 based on the allegation of the destructive device?

3 MS. ARCE: Your Honor, I don't think --

4 THE COURT: There was a fire or explosive?

5 MS. ARCE: Your Honor, I may have to refer to the Bail  
6 Reform Act but I understood it that there had to be some kind  
7 of device, for example, Molotov cocktail or something in that  
8 regard or a bomb. I don't believe -- and I don't believe the  
9 government has argued that but our position is that it does not  
10 meet that definition because there's been no evidence presented  
11 of any kind of device used.

12 THE COURT: And, Mr. Rossi, you'll get a chance to  
13 rebut when she's done if -- go ahead.

14 MR. ROSSI: I'm not trying to rebut, Your Honor. I  
15 just wanted to point out that for this -- the purposes of this  
16 hearing specifically, we agreed that the -- under 3142  
17 "destructive device" has to be an actual device.

18 THE COURT: Okay.

19 MR. ROSSI: And since there's not been any evidence  
20 presented against that defense, that point is correct.

21 THE COURT: Okay. So the government's position that  
22 it's a crime of violence is based on the offense itself under  
23 844(i)?

24 MR. ROSSI: That's correct, and the definitions under  
25 3156 as cited in the memorandum.

1 THE COURT: Okay. Thank you.

2 Go ahead, Ms. Arce.

3 MS. ARCE: Yes, Your Honor, that's where I was going  
4 to next.

5 So in the unpublished district court case cited by the  
6 government, that case states that this statute constitutes a  
7 crime of violence but it really lacks any analysis. It has a  
8 footnote that cites 18 USC 3146 which, in turn, has a  
9 definition of crime of violence. That definition states: The  
10 term "crime of violence" means an offense that has an element  
11 of the offense, the use, attempted use, or threatened use of  
12 physical force against the person or property of another;  
13 subsection (b): any offense that is a felony and that by its  
14 nature involves a substantial risk that physical force against  
15 the person or property of another may be used in the course of  
16 committing the offense.

17 I think it's arguable whether the facts of this case meet  
18 that definition. I'd like to highlight for the court the term  
19 "physical force". I think when you think of physical force,  
20 you think of hitting, striking. I did a brief search, as did  
21 my co-counsel. We couldn't find any Ninth Circuit case citing  
22 that this offense is a crime of violence. And I think perhaps  
23 that's why the unpublished district court decision is in the  
24 government's memo. I think it's arguable whether there was  
25 any, quote, physical force against a person or property of

1 another given that there's been no evidence of any physical  
2 force.

3 THE COURT: What about the Fourth Circuit and the  
4 First Circuit cases that they also cite under arson being a  
5 crime of violence?

6 MS. ARCE: Well, Your Honor, first, I'd note that  
7 those are nonbinding as they are other circuits but I believe  
8 one of those cases was an immigration court case and I didn't  
9 have time to review those cases entirely but I think it's  
10 significant or important that there's no Ninth Circuit case  
11 that was cited to.

12 THE COURT: Thank you.

13 MS. ARCE: And, Your Honor, it's clear that this was a  
14 terrible crime. However, it is important to note that there  
15 were no physical injuries and no one was harmed. The  
16 government stated that it was by sheer luck that no one was  
17 harmed but, in reality, they don't know the circumstances of  
18 the fire. They -- there was no one there to say, you know, how  
19 it was set and whether or not there was a disregard for the  
20 presence or absence of people. For all we know, whoever set  
21 the fire could have done so because the churches were empty.  
22 So I disagree that it was by sheer luck that no one was  
23 injured.

24 With no other evidence -- with no evidence showing that, it  
25 could be just as likely that it was intentional that it was

1 property only and that it was in daylight so that people were  
2 around, walking around town and could see it. So we don't know  
3 the circumstances of how the fire was set but we do know that,  
4 in fact, no one suffered any physical injury.

5 And, Your Honor, I don't believe that the government has  
6 been able to prove by clear and convincing evidence that  
7 Mr. Ridenour's a danger to the community. I think that the  
8 incidents that were testified to from over 25 years ago don't  
9 show any kind of pattern that's at all relevant here, if they  
10 even show a pattern at all. Those were misdemeanor arrests and  
11 they don't show anything that is pertinent to this case here.  
12 They were misdemeanor, they were nonserious, none of them  
13 involved physical harm to any individual. Any of the property  
14 damage was minor, nothing in comparison to the facts in this  
15 case with two churches that are at a total loss. The cases  
16 involved \$200 of damage. I think there's a big difference  
17 there and it's obviously very tenuous because of the time that  
18 has passed.

19 Notably, Mr. Ridenour has never been convicted of any  
20 felony offense, and the agent testified that within the  
21 preceding 25 years, he wasn't arrested for anything. He hasn't  
22 been charged with anything. He indicated, and I think it's  
23 corroborated by pretrial services, you know, there's no  
24 indication that he has violated any conditions of release, any  
25 condition of probation. There are no warrants alleging failure

1 to appear. He doesn't have that history there. This history  
2 presented by the government is, frankly, presented because it's  
3 all they have because Mr. Ridenour has been a law-abiding  
4 member of the community for the past 25 years.

5 The agent also testified that he -- that the neighbors,  
6 Mr. Ridenour's neighbors were surprised to hear about this and  
7 I think that that is because of his history, because he's not  
8 someone who's, you know, getting the police called on him left  
9 and right. He's a contributing member of the society.

10 And, Your Honor, I did provide the government and the court  
11 with some letters from some members of the community, including  
12 two of Mr. Ridenour's neighbors. These are -- these letters  
13 were notarized. One of them from Mr. Romero, he states he's  
14 known Mr. Ridenour for about three years, three years that  
15 they've been neighbors, that Mr. Ridenour has been a friendly  
16 neighbor, that he's been kind and nonthreatening.

17 Another neighbor, Ms. Diana Dalton, she talks about how  
18 helpful he is and how she's seen him to be a law-abiding  
19 citizen. She's also known him for approximately the same  
20 amount of time since Mr. Ridenour and his wife moved into the  
21 community. She notes that he's helped her out on multiple  
22 occasions, states that she could not have been more stunned of  
23 what he's been accused of. This shows us that this is  
24 something -- this allegation is something that would be out of  
25 character for Mr. Ridenour.

1 And these are members of the community, just like the  
2 victims that we heard from. These also are neighbors and are  
3 members of the community and they know Mr. Ridenour and they  
4 know him well enough and feel comfortable enough to write these  
5 letters for us to submit to the court and to have them  
6 notarized as well.

7 The other remaining letter, Your Honor, is from his  
8 brother-in-law, Eric, who has nothing bad to say about  
9 Mr. Ridenour. He's known him to be a very responsible man.  
10 And a pleasure to be around.

11 I think that these letters and his lack of criminal history  
12 are more indicative of his lack of being a danger to the  
13 community and his ability to comply with any potential orders  
14 that the court might set for release.

15 Your Honor, the government also presented evidence about  
16 Mr. Ridenour's religious beliefs. And whether we agree with  
17 them or not, his beliefs, he's free to have those beliefs and I  
18 think that it's a large -- a giant leap in logic to go from or  
19 to believe what the government is saying, that because he  
20 doesn't agree with the practices in those churches, he's going  
21 burn them down. That's a giant leap.

22 I think what does make sense is what has been shown, that  
23 he didn't agree with those beliefs so he stopped going to those  
24 churches or he just didn't go to those churches and he built  
25 his own church. To go from not approving a belief to burning



1 down a church, that motive is tenuous and there's nothing else  
2 that would explain it. As I indicated, no mental health issues  
3 to kind of fill in that gap that's -- that we have here.

4 So I think when the court considers the nature of the  
5 offense and the nature and seriousness of any potential danger  
6 that Mr. Ridenour may be to the community, the court needs to  
7 look at his spotless record for the last 25 years and, again,  
8 our position is that the government has not proven that this is  
9 a crime of violence, did not prove by clear and convincing  
10 evidence that Mr. Ridenour's a danger to any person or to the  
11 community.

12 This is also not a presumption case. The Ninth Circuit has  
13 stated that only in rare cases should release be denied and any  
14 doubts regarding proprietary release should be resolved in  
15 favor of defendants. I think that there are a lot of  
16 conditions that the court can impose to mitigate any concerns  
17 that are -- that the court may have about Mr. Ridenour's  
18 presence in the community.

19 I think that one of the options the court has is ankle  
20 monitoring, a GPS ankle monitor. He can be ordered to stay  
21 away from any churches, to keep a certain distance. He can  
22 have house arrest, he can call in or check in to pretrial  
23 services as often as they would like. He doesn't have any  
24 substance abuse or mental health issues but he'd be willing to  
25 comply with any conditions as to those areas, Your Honor.

1       There are conditions that the court can impose. And when  
2       imposing conditions, the court should also impose the least  
3       restrictive conditions. So I think that there is a way here to  
4       mitigate any potential concerns and there are conditions that  
5       can be imposed. Any amount of conditions with various levels  
6       of severity from house arrest to stay away from certain  
7       locations, and he's willing to comply with all of those.

8       I'll also note that pretrial services found his wife,  
9       Elizabeth, to be a suitable third-party custodian. She's in  
10      the courtroom if the court has any questions about their home  
11      or about her suitability as a third-party custodian. Thank  
12      you.

13               THE COURT: Thank you, Ms. Arce.

14               Mr. Rossi?

15               MR. ROSSI: Thank you, Your Honor.

16               Your Honor, pretrial services also recommends detention and  
17      we would ask that you accept the recommendation. And we  
18      believe it's well made.

19               There was some talk about how there's a leap of logic  
20      between the motivation that has been expressed today and to  
21      others in the community by the defendant and in letters, and  
22      the action of setting the churches on fire. But there's not a  
23      leap of logic when the defendant is on video. There's not a  
24      leap of logic when it's clear that the defendant had an  
25      interaction with one of the pastors and it's clear that, based

1 on the size of the community, the community leaders are well  
2 known, and it was well known that Pastor Collins is gay and  
3 Pastor Christiansen is a woman.

4 The -- there was also mention that there was nobody in the,  
5 the room where the cots were set up at the Presbyterian church  
6 and that it was an adjacent room. That adjacent room was, as  
7 Special Agent Tisch described, about six feet away from the  
8 wall of the main church building. So whether or not it was  
9 part of the main church building or not, it was on the church  
10 property and had the fire not been contained by the actions of  
11 Douglas Fire Department and Douglas Police Department, it most  
12 certainly would have gone up and, in fact, it did, according to  
13 testimony, suffer fire damage.

14 And, again, the defendant would have no way of knowing  
15 whether or not there were people there. It was advertised and  
16 it was well known in the community, according to Pastor  
17 Christiansen, that they were doing this and he -- there's no  
18 evidence that he would have any idea how to know whether or not  
19 there was actually people in there. And he certainly didn't  
20 care that there was an operating day-care right across the  
21 alleyway that had children and staff there.

22 There was also mention of how this is not a crime of  
23 violence. The definition under 3156 and the other cases that  
24 were provided from the other districts, and maybe that's my  
25 fault for citing the Arizona district court first, but our

1 other districts have found that for the purposes of 3142 that  
2 under the definitions in 3156, arson is a crime of violence,  
3 specifically because physical force has to be a pretty close  
4 definition or closed definition for what else could setting a  
5 fire be other than force? And the fact that once a fire is  
6 set -- and certainly the government's not alleging that there  
7 was any physical harm done to anybody, but that's not what the  
8 statute requires. The statute requires damage to property.  
9 And under the 3156 definitions, it's physical force against  
10 person or property.

11 So for those reasons, Your Honor, we think that we've  
12 certainly met that burden and, again, that's just determining  
13 that is for the purposes of actually just having this hearing.  
14 So I don't believe that that has any weight with regard to  
15 whether or not the defendant is a danger to the community.

16 The government brought up and, admittedly, they're old but  
17 his prior police contacts and the reason that we did so was  
18 because force, the defendant used or threatened force against  
19 property with people he disagreed with. And that's exactly  
20 what we're alleging happened here.

21 The defense also said that a neighbor was surprised but  
22 there's no evidence why that person was surprised and also that  
23 either neighbor who described being surprised also described  
24 how the defendant didn't believe that women should be in  
25 leadership roles or gays and that the defendant disagreed with

1 those practices in the churches.

2 And while the defendant does have three letters, as you  
3 heard from the victim representatives, there's numerous people  
4 from all over southern Arizona have expressed fear,  
5 southeastern Arizona, excuse me.

6 And to the point of holding the defendant as finding him a  
7 danger to the community and the defense is right, it's supposed  
8 to be only done in a rare case, but this is a rare case. The  
9 defendant has gripped an entire region of this district in  
10 fear, so much so that they don't even feel comfortable going to  
11 their houses of worship. I can't imagine a greater danger to  
12 the community than that. And we would ask that you impose the  
13 recommendations of pretrial services and detain the defendant.  
14 Thank you.

15 THE COURT: Thank you.

16 The court's going to take a brief recess, probably about  
17 10 minutes, so that I can re-review the letters and the  
18 exhibits, I think just the complaint was admitted as the  
19 exhibit. So we'll take a 10-minute recess and then I'll be  
20 back.

21 (A recess was had.)

22 THE COURT: And we're back on the record. I have had  
23 an opportunity to review the following items in this case: the  
24 complaint, document number one, and also listed as Exhibit  
25 No. 7, which has been admitted; the pretrial services report,

1 including the original pretrial service report dated May 25th,  
2 the addendum dated May 30th, and the second addendum dated  
3 June 14th. In addition, I've had an opportunity to staff this  
4 case with pretrial service officer Deborah Romero; I've  
5 reviewed the government's motion, document 12; taken into  
6 consideration the evidence, testimony, and argument from  
7 today's hearing. I've also taken into consideration the  
8 letters that have been provided from the defense, from Diana  
9 Dalton, Julio Romero, Jr., and C. James Quinn. In addition,  
10 I've taken into consideration the statements from all three of  
11 the victims that had an opportunity to be heard at the hearing.

12 In considering 18 USC 3142, the court finds the following:  
13 I do believe and recognize the cases that the government has  
14 cited regarding malicious burning of any building, vehicle, or  
15 other real personal property being a crime of violence,  
16 including the district court from the District of Arizona 2010  
17 case, the cases cited therefore from the Fourth Circuit, the  
18 First Circuit, in addition to other cases that are listed on  
19 page 7 of the government's motion. And I do believe that this  
20 particular crime under 18 USC 844(i) meets the definition of a  
21 crime of violence.

22 In addition, the court does take into consideration the  
23 3142(g) factors, the nature and circumstances of the offense  
24 charged, which do include taking into consideration, as the  
25 court has indicated, that this is a crime of violence, the

1 potential penalties for this case, which include a minimum  
2 mandatory of five years.

3 The court takes also into consideration the weight of the  
4 evidence against the defendant, which at this time indicates to  
5 be strong evidence, although the court notes that that's the  
6 least important factor with respect to the Bail Reform Act.  
7 However, I do note the weight of the evidence included a very  
8 distinctive car, surveillance video, and the additional  
9 information that was provided at testimony and also in the  
10 complaint.

11 In taking into consideration the history and  
12 characteristics of Mr. Ridenour, I do also note, although he  
13 does have ties to the community, no mental condition, no  
14 substance abuse issues, previous employment, and has resided  
15 within Douglas for a number of years, I also take into  
16 consideration his past conduct both regarding criminal history  
17 but also conduct with respect that was presented at testimony  
18 regarding conduct and actions that could be related to the  
19 allegations in this case.

20 Of most importance to the court is the nature and  
21 seriousness of the danger to any person or the community if  
22 Mr. Ridenour were to be released, which is a factor under  
23 3142(g) that the court should consider.

24 In addition, I note under 18 USC 3771 that a crime victim  
25 has a right to be reasonably protected from the accused.

1        This is a situation, as Mr. Rossi had indicated, that  
2        generally detention on dangerousness issues or detention with  
3        respect to a situation such as this should be done in a rare  
4        case, and I do believe as Mr. Rossi has indicated, this is a  
5        rare case.

6        This is a -- accused crimes dealing with a small community,  
7        a close community, a community where four churches are in close  
8        proximity to each other. In that same area is a day-care,  
9        residence. Many of the churches and the community are involved  
10       in assisting not only the homeless but anticipating assisting  
11       with housing migrants, and it's a situation where, based on the  
12       evidence -- on the testimony that was provided, including the  
13       statements from the victim, that it's clear that there is a  
14       real fear should Mr. Ridenour be released.

15       In addition, at this time, I find that there are no  
16       conditions that could be set to reasonably assure the safety of  
17       the community. I do not believe this is a situation where  
18       location monitoring is appropriate because, again, we're  
19       dealing with a small community and an outlying community where  
20       even if there was a location monitor, I believe it would be  
21       difficult to be able to reasonably monitor the actions and  
22       behavior.

23       I also note that the defense made the argument that the  
24       government did not provide a sufficient nexus for interstate  
25       commerce. However, I do believe, based on the information in



1 the complaint, including all the information in the last  
2 paragraph of the complaint, that there is probable cause to  
3 believe that there is the interstate nexus, as another  
4 magistrate judge in this district also found, based by signing  
5 the complaint.

6 Based on all the information before the court at this time,  
7 I do find that Mr. Ridenour is a danger to the community, that  
8 no conditions can be brought forth at this time to overcome  
9 that risk, so he will be detained as a danger.

10 Anything further, Mr. Rossi?

11 MR. ROSSI: No, Your Honor. Thank you.

12 THE COURT: Ms. Arce, anything?

13 MS. ARCE: Not in terms of detention but we did have  
14 something just to bring to the court's attention.

15 THE COURT: Sure.

16 MR. TARAIL: And, Your Honor, if I can just make a  
17 brief record. The court has probably heard throughout this  
18 hearing Mr. Ridenour coughing and wheezing and struggling for  
19 air. And that's as a result of a physical issue that he has,  
20 chronic rhinosinusitis. He's been taking a medication for that  
21 for the last several years which alleviates all the symptoms  
22 that he's going through now. Unfortunately, the marshals in  
23 contact with Core Civic have advised us that they won't provide  
24 Mr. Ridenour the medication that he needs.

25 And the concern that I have is that his health is going to

1 significantly deteriorate. He's already advised me that he has  
2 extreme trouble breathing. He's not able to sleep because he  
3 keeps on not getting enough air and waking up in the night  
4 worried that he's not going to get air.

5 And so we're not making any formal motion for the court at  
6 this point but I did want to advise the court of this issue and  
7 we will continue working with the marshals to see if we can  
8 reach a resolution.

9 THE COURT: Okay. And, Mr. Tarail, have you been in  
10 contact with Deputy Marshal Alexander?

11 MR. TARAIL: Yes. He forwarded me to Mr. Villegas and  
12 Mr. Pedro Diaz-Flores, I believe.

13 THE COURT: Okay.

14 MR. TARAIL: But I've been trying to get in contact  
15 with all of them.

16 THE COURT: Okay. And I will ask the deputy marshals  
17 that are in the courtroom at this time to make -- reach out to  
18 Deputy Marshal Alexander regarding the medical concerns that  
19 Mr. Tarail has spoken about and then, Mr. Ridenour, we'll make  
20 sure that hopefully can you get the medication that you need.  
21 It's also important that you continue to reach out to the  
22 medical staff at Core Civic, make sure that they're aware of  
23 your medical problems, and I know sometimes it takes a while  
24 but make sure that you continue to reach out to them so that  
25 hopefully you can get seen. All right?

1 THE DEFENDANT: May I say something?

2 THE COURT: Sure.

3 THE DEFENDANT: When I was -- when I was -- I'm sorry.

4 THE COURT: That's okay. Go ahead.

5 THE DEFENDANT: When I was first taken in, I made a  
6 statement to them that I was on Dupixent and that's been, well,  
7 going on a month now. And I've approached them two other times  
8 and I talked to the nurse practitioner and he told me because  
9 of the expense of the drug that I wouldn't be able to get the  
10 drug. And I explained to him that I have a grant for the drug,  
11 I just need to call and tell them where to ship the drug. And  
12 I haven't had any response. It's very hard to get any kind  
13 of --

14 THE COURT: And I know I'm not completely familiar  
15 with all of the medical protocol and procedures that the  
16 detention facility has to use. But hopefully Mr. Tarail and  
17 Ms. Arce can be in contact with our deputy marshal liaison for  
18 medical issues and they'll be able to reach out to the liaison  
19 who will also reach out to the medical personnel at Core Civic  
20 and hopefully we'll be able to get you not necessarily the  
21 medication that you're currently on but hopefully something  
22 very similar.

23 THE DEFENDANT: Well, yeah, that's -- I'm sorry, Your  
24 Honor.

25 THE COURT: That's okay.

1 THE DEFENDANT: That's the problem. There's only, as  
2 far as I know, the dupilumab, Dupixent, is the only drug of its  
3 kind.

4 THE COURT: Okay. And, well, like I said, we'll just  
5 have to -- I have no control over the policies and procedures  
6 that Core Civic has so it's a matter we can -- we can try to  
7 liaison between the court, the marshals, and Core Civic with  
8 your counsel and hopefully come up with some sort of  
9 resolution. Okay?

10 THE DEFENDANT: Thank you.

11 THE COURT: All right. Thank you.

12 In addition, just for purposes of the record, I also note  
13 that the language in 3142 refers to safety of the community as  
14 the danger of the defendant who might engage in criminal  
15 activity to the detriment of the community which the court also  
16 took into consideration in its ruling, in addition to the  
17 danger to the community regarding any other economic harm.

18 In addition, for purposes of the definition of the crime of  
19 violence, I also took into consideration physical force used  
20 with respect to damage to property.

21 Anything further, Mr. Rossi?

22 MR. ROSSI: No, Your Honor. Thank you.

23 THE COURT: And, Ms. Arce or Mr. Tarail?

24 MS. ARCE: No, Your Honor.

25 THE COURT: All right. Thank you.

1 Thank you, Mr. Ridenour.

2 (The matter was concluded at 5:01 p.m.)

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7 C E R T I F I C A T E

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9  
10 I, Cindy J. Shearman, court-approved transcriber,  
11 certify that the foregoing is a correct transcript from the  
12 official digital sound recording of the proceedings in the  
13 above-entitled matter to the best of my ability.

14  
15  
16 s/Cindy J. Shearman  
17 Cindy J. Shearman, RDR, CRR, CRC

July 13, 2023  
Date